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9 KELLY FLETCHER

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

9 KELLY FLETCHER,

10 PLAINTIFF,

11 vs.

12 THE ACCELERATED SCHOOLS ;
13 JONATHAN WILLIAMS and DOES 1
14 through 100, INCLUSIVE

15 DEFENDANTS.

16 CASE NO.: 19STCV02088

17 **FIRST AMENDED
COMPLAINT FOR DAMAGES**

1. SEXUAL HARASSMENT IN
VIOLATION OF GOVERNMENT
CODE 12940 ET SEQ.
2. FAILURE TO INVESTIGATE
AND PREVENT SEXUAL
HARASSMENT
3. RETALIATION IN VIOLATION
OF GOVERNMENT CODE 12940
4. FOR VIOLATION OF CIVIL
CODE§51 AND CIVIL CODE §
52.1(b)
5. VIOLATION OF LABOR CODE
1102.5
6. INTENTIONAL INFILCTION OF
EMOTIONAL DISTRESS
7. NEGLIGENT HIRING,
SUPERVISION, AND RETENTION

22 **DEMAND FOR JURY TRIAL**

23 COMES NOW PLAINTIFF KELLY FLETCHER and brings this Complaint against the
24 above-named DEFENDANTS and DOES 1 through 100, and each of them, as follows:

25 **THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

26 1. FEHA codified at Government Code §12900 et seq. prohibits among other things,
27 sexual harassment, retaliation in employment on account of certain protected classifications,
28

1 including a person's sex and further the FEHA requires an investigation into allegations of
2 sexual harassment, and preventing harassment and retaliation.

3 2. Government Code § 12920 provides the following in pertinent part regarding the
4 public policy of the State of California:

5 a. It is hereby declared as the public policy of this state that it is necessary to protect
6 and safeguard the right and opportunity of all persons to seek, obtain, and hold
7 employment without discrimination or abridgement on the account of race, religious
8 creed, color, national origin, ancestry, physical disability mental disability, medical
9 condition, marital status, sex, age, sexual orientation or marital status.

10 3. It is recognized that the practice of denying employment opportunity and
11 discriminating in terms of employment for these reasons ferments domestic strife and
12 unrest, deprives the state of the fullest utilization of its capacities for development and
13 advancement, and substantially and adversely affects the interest of employees,
14 employers, and the public in general. It is the purpose of this part to provide effective
15 remedies that will eliminate these discriminatory practices.

16 4. Government Code Section 12920.5 provides the following:

17 In order to eliminate discrimination, it is necessary to provide effective remedies that will
18 both prevent and deter unlawful employment practices and redress the adverse effects of
19 those practices on aggrieved persons. To that end, this part shall be deemed an exercise
20 of the Legislature's authority pursuant to Section 1 of Article XIV of the California
21 Constitution.

22 Government Code Section 12921(a) provides, in pertinent part, the following:

23 The opportunity to seek, obtain and hold employment without discrimination because of
24 ... sex is hereby recognized as and declared to be a civil right.

25 5. In 1984, the California Legislature stated the following regarding employment
26 harassment and discrimination:

27 The Legislature finds and declares that it is the existing policy of the State of California
28 to prohibit harassment and discrimination in employment on the basis of any protected
classification. Such conduct whether intentional or unintentional is a violation of the civil

1 rights of California citizenry and has been shown to decrease productivity in the
2 workforce. (Stats. 1984 c. 1754 § 1)

3 6. Government Code Section 12940 provides, in pertinent part, the following:

4 “ It shall be an unlawful employment practice...

5 (a) For an employer because of physical disability to refuse to hire or employ the person
6 or to refuse to select the person for a training program leading to employment, or to bar or
7 discharge the person from employment or from a training program leading to employment, or
8 to discriminate against the person in compensation, terms, conditions or privileges of
9 employment.

10 (h) For any employer... or person, to discharge, expel or otherwise discriminate against
11 any person because that person has opposed any practices forbidden under this part or because
12 the person has filed a complaint, testified or assisted in any proceeding under this part.

13 7. Government Code Section 12940(k) provides, in pertinent part, as follows:

14 “ It shall be an unlawful employment practice...

15 “(k) For an employer....to fail to take all reasonable steps necessary to prevent
16 discrimination and harassment from occurring.

17 “(i) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts
18 forbidden under this part, or to attempt to do so.”

19 8. Government Code Section 12921(a) provides, in pertinent part, the following:

20 The opportunity to seek, obtain, and hold employment without discrimination because of
21 . . . sex , is hereby recognized and declared to be a civil right.

22 9. Government Code Section 12940 provides, in pertinent part, the following:

23 “ It shall be an unlawful employment practice...

24 (a) For an employer because of... sex.... to refuse to hire or employ the person or to
25 refuse to select the person for a training program leading to employment, or to bar or discharge
26 the person from employment or from a training program leading to employment, or to
27 discriminate against the person in compensation, terms, conditions or privileges of
28 employment.

(h) For any employer... or person, to discharge, expel or otherwise discriminate against any person because that person has opposed any practices forbidden under this part or because the person has filed a complaint, testified or assisted in any proceeding under this part.

10. Government Code Section 12940(k) Provides in pertinent part as follows:

“It shall be an unlawful employment practice...

“(k) For an employer....to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

“(i) For any person to aid, abet, incite, compel, or coerce the doing of any of the acts forbidden under this part, or to attempt to do so.”

FACTS COMMON TO ALL CAUSES OF ACTION

1. Plaintiff KELLY FLETCHER (“PLAINTIFF”) is a female who was sexually assaulted and harassed by was employed by JONATHAN WILLIAMS , CEO of THE ACCELERATED SCHOOLS. PLAINTIFF is fearful of retaliation both now and in the future for making the complaints and thus proceeds as KELLY FLETCHER to protect her true name.
2. Plaintiff was employed by THE ACCELERATED SCHOOLS [hereinafter “EMPLOYER DEFENDANTS”] for approximately seven years. Plaintiff was a teacher. PLAINTIFF was an excellent, loyal employee was qualified for her position and performed all of her job duties satisfactorily throughout her employment with EMPLOYER DEFENDANTS.
3. At all times mentioned herein, the EMPLOYER DEFENDANTS and DOES 1 through 100 were Plaintiff’s employers and were qualified to do business in, and did conduct business in, the county of Los Angeles, State of California.
4. PLAINTIFF was employed by EMPLOYER DEFENDANTS and DOES 1 through 100 in the County of Los Angeles, State of California. Plaintiff’s wrongful termination occurred in the County of Los Angeles, State of California. Plaintiff is a resident of California.
5. The EMPLOYER DEFENDANTS hired JONATHAN WILLIAMS as the CEO.

1 There was not a sufficient background check performed before Williams was given the
2 position of power of CEO. Beginning on August 8,2017 and continuing to the present,
3 Defendant Williams sexually harassed, touched plaintiff in an unwanted manner in her
4 breast area at least three times, touched plaintiff again in an unwanted and unwelcome
5 manner, made suggestive comments to plaintiff. Plaintiff believes that Defendant
6 Williams did this to other teachers. These other teachers are fearful to come forward
7 because Williams is the CEO and has a position of power. They are concerned they will
8 be terminated if they complain. Even after plaintiff complained, EMPLOYER
9 DEFENDANTS failed to properly investigate, failed to take action against Defendant
10 Williams. He continued to work there and continued to approach plaintiff in an unwanted
11 and unwelcome manner. Plaintiff complained in October 2016 however, nothing was
12 done. In one instance in September 2018, plaintiff suffered a panic attack when
13 Defendant Williams approached her. However, he continued to work as the CEO for
14 EMPLOYER DEFENDANTS, continued to have access to female teachers and students.
15 6. Plaintiff believes that Williams has created a hostile work environment for herself and
16 other teachers who are afraid to speak out for fear of retaliation.
17 7. Plaintiff is unaware at this time as to who hired Williams who gave him his reviews, and
18 who has the authority to terminate him, since he is the CEO and plaintiff is not privy to
19 that information but believes Defendants have the information within their possession,
20 custody and control. Plaintiff therefore reserves the right to amend the complaint to add
21 those individuals who are sued as Doe Defendants currently.
22 8. PLAINTIFF filed timely charges with the California Department of Fair Employment and
23 Housing and received notice of the right to sue on January 30,2018 permitting her to bring
24 this legal action. PLAINTIFF has therefore exhausted her administrative remedies under
25 the California Government Code.
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27
28

FIRST CAUSE OF ACTION

Sexual Harassment in Violation of California Government Code § 12940

Against ALL DEFENDANTS And Does 1 Through 100

9. PLAINTIFF repeats and realleges each and every allegation set forth in the preceding paragraphs and incorporates them herein by reference with the same effect as if reallaged herein.
10. Plaintiff is ignorant of the true names and capacities, whether corporate, associate, individual, or otherwise, of DEFENDANTS sued herein as DOES 1 through 100, inclusive, and therefore sues said Defendants, and each of them, by such fictitious names. Plaintiff will seek leave of court to amend this Complaint to assert the true names and capacities of the fictitiously named Defendants designated as DOES 1 through 100, when the same have been ascertained. Plaintiff is informed and believes, and thereon alleges, that each Defendant, designated as a "DOE" herein is legally responsible for the events, happenings, acts, occurrences, indebtedness, damages and liabilities hereinafter alleged and caused injuries and damages proximately thereby to the Plaintiff, as hereinafter alleged.
11. Plaintiff is informed and believes, and thereon allege, that at all times relevant herein, each Defendant designated, including Does 1-100, herein was the agent, managing agent, principal, owner, partner, joint venturer, representative, supervisor, manager, alter ego, affiliate, co-employer, joint venturer, servant, employee and/or co-conspirator of each of the other Defendants, and was at all times mentioned herein acting within the course and scope of said agency and employment, and that all acts or omissions alleged herein were duly committed with the ratification, knowledge, permission, encouragement, authorization and consent of each Defendant designated herein.
12. Plaintiff is informed and believes and based thereon alleges, that at all times mentioned herein, EMPLOYER DEFENDANTS and JONATHAN WILLIAMS and Does 1 through 100 and each of them, was the agent, servant, employee, representative, joint venturer, parent, co-employer, alter ego assign, predecessor, manager, agent, managing agent and/or

1 successor of each of the EMPLOYER DEFENDANTS and were at all times material
2 hereto acting within the authorized course and scope of these relationships, and/or that all
3 acts, conduct, and omissions were subsequently ratified by the respective principals and
4 the benefits thereof accepted by the principals.

5 13. PLAINTIFF was qualified for her position and performed her job duties satisfactorily
6 throughout her employment with the EMPLOYER DEFENDANTS.

7 14. Beginning on or around August 2017 and continuing to the present, Plaintiff was
8 repeatedly subjected to unwelcome and offensive sexual harassment and unwanted sexual
9 advance by Defendant WILLIAMS who was the CEO of THE ACCELERATED
10 SCHOOLS. At all times WILLIAMS was a supervisor of plaintiff. When plaintiff
11 complained she was retaliated against her the retaliatory conduct continues to the present
12 day. Despite her complaints, WILLIAMS behavior did not stop, he continued to taunt
13 plaintiff and to touch her in unwelcome and unwanted ways.

14 15. The Sexual harassment by WILLIAMS was continuous severe and pervasive and caused
15 plaintiff extreme emotional distress. WILLIAMS was in a position of power at
16 EMPLOYER DEFENDANTS and plaintiff was concerned that if she continued to reject
17 his sexual propositions, he would interfere with her career. Plaintiff was also concerned
18 for female students and other female faculty. WILLIAMS acted as if he could do
19 whatever he wanted and had no respect for women, and EMPLOYER DEFENDANTS
20 allowed him to get away with this behavior.

21 16. When plaintiff complained to EMPLOYER DEFENDANTS's she did not get any help
22 and there was no investigation.

23 17. The EMPLOYER DEFENDANTS were aware of the harassment and ratified and
24 condoned the harassment. The EMPLOYER DEFENDANTS continued to employ
25 WILLIAMS even after they knew he had sexually harassed plaintiff. THE EMPLOYER
26 DEFENDANTS' ratified and condoned actions of WILLIAMS The EMPLOYER
27 DEFENDANT'S actions were in violation of FEHA as set forth in Government Code
28 12940 et seq.

1 18. PLAINTIFF filed timely charges with the California Department of Fair Employment and
2 Housing and received notice of the right to sue on January 30,2018 , permitting her to
3 bring this legal action. PLAINTIFF has therefore exhausted her administrative remedies
4 under the California Government Code.

5 19. By the aforesaid acts and conduct of EMPLOYER DEFENDANTS and Does 1 through
6 100, and each of them, Plaintiff has been directly and legally caused to suffer actual
7 damages pursuant to California Civil Code §3333 including, but not limited to, loss of
8 earnings and future earning capacity, loss of benefits, medical and related expenses for
9 care and procedures both now and in the future, attorneys' fees, and other pecuniary loss
10 not presently ascertained, for which Plaintiff will seek leave of court to amend when
11 ascertained.

12 20. As a direct and legal result of the acts and conduct of EMPLOYER DEFENDANTS, as
13 aforesaid, Plaintiff has been caused and did suffer, and continues to suffer, severe and
14 permanent emotional and mental distress and anguish, as well as humiliation,
15 embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of
16 said injuries is presently unknown to Plaintiff, who will pray leave of the court to assert the
17 same when they are ascertained.

18 21. The aforementioned acts of EMPLOYER DEFENDANTS, committed by and through their
19 managing agents, supervisors, alter egos, employees, were done with the knowledge of
20 EMPLOYER DEFENDANTS and/or were ratified and condoned by EMPLOYER
21 DEFENDANTS, and each of them, were willful, wanton, malicious, intentional, oppres-
22 sive, despicable and were done in willful and conscious disregard of the rights, welfare and
23 safety of Plaintiff. The acts of EMPLOYER DEFENDANTS were done by managerial
24 agents, employees, agents, supervisors and alter egos of EMPLOYER DEFENDANTS,
25 and with the express knowledge, consent, and ratification of managerial employees,
26 supervisors, and managing agents of EMPLOYER DEFENDANTS; this justifies the
27 awarding of punitive and exemplary damages in an amount to be determined at the time of
28 trial.

1 22. Prior to the termination of Plaintiff, the EMPLOYER DEFENDANTS' managing agents,
2 agents and supervisors (whose identity is known to Defendants, and will be the subject of
3 discovery in this case), including CEO WILLIAMS engaged in a pattern of ignoring
4 complaints of sexual harassment in the workplace and blamed plaintiff. They allowed the
5 harasser to continue working after plaintiff complained and met in person with them, and
6 provided witnesses. The EMPLOYER DEFENDANTS and its managing agents (whose
7 identity is known to Defendants, and will be the subject of discovery in this case), knew
8 that their actions were illegal and acted in conscious disregard for the law. The sexual
9 harassment and ratification was devised by EMPLOYER DEFENDANTS and was
10 ratified and condoned by DEFENDANTS with the knowledge that it was unlawful and
11 without regard for the protections afforded Plaintiff, as set forth above and by the FEHA.
12 The conduct of EMPLOYER DEFENDANTS, their managing agents and alter egos as set
13 forth herein was reprehensible. EMPLOYER DEFENDANTS knew they were allowing
14 Plaintiff to be harassed, and when she complained and instead of helping her, they ignored
15 Plaintiff. The EMPLOYER DEFENDANTS knew their behavior was illegal, but did it
16 anyway, in blatant disregard of the law.

17 23. The harm to Plaintiff was "physical" in the sense that it affected her emotional and mental
18 health, rather than being a purely economic harm. *State Farm Mutual Auto. Ins. Co. v.*
19 *Campbell* (2003) 538 U.S. 408, 419. It was objectively reasonable to assume that
20 EMPLOYER DEFENDANTS' employers' and managing agents' acts of discrimination
21 and harassment toward PLAINTIFF would affect her emotional well-being, and therefore
22 EMPLOYER DEFENDANTS employers' "conduct evinced an indifference to or a
23 reckless disregard of the health or safety of others."

24 24. As a result of the harassment and unlawful acts of EMPLOYER DEFENDANTS their
25 agents and alter egos, and each of them, as alleged herein, Plaintiff is entitled to reasonable
26 attorneys' fees and costs of said suit as specifically provided in California Government
27 Code §12965(b).

28 25. Plaintiff has suffered general damages in an amount within the jurisdiction of this Court.

II

SECOND CAUSE OF ACTION

Failure to Investigate and Prevent to Harassment and Retaliation Against the EMPLOYER

DEFENDANTS And Does 1 Through 100

37. PLAINTIFF repeats and realleges each and every allegation set forth in the preceding paragraphs and incorporates them herein by reference with the same effect as if realleged herein.
38. At all times mentioned herein, Plaintiff was an individual residing in the County of Los Angeles, State of California.
39. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, the EMPLOYER DEFENDANTS were, and now are, a private employer authorized and conducting business in the County of Los Angeles, State of California.
40. Plaintiff is ignorant of the true names and capacities, whether corporate, associate, individual, or otherwise, of Defendants sued herein as DOES 1 through 100, inclusive, and therefore sues said Defendants, and each of them, by such fictitious names. Plaintiff will seek leave of court to amend this complaint to assert the true names and capacities of the fictitiously named Defendants when the same have been ascertained. Plaintiff is informed and believes, and thereon alleges, that each Defendant designated as a "DOE" herein is legally responsible for the events, happenings, acts, occurrences, indebtedness, damages and liabilities hereinafter alleged and caused injuries and damages to the Plaintiff.
41. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, each Defendant designated, including DOES 1 through 100, herein was the agent, partner, joint venturer, representative, servant, employee and/or co-conspirator of each of the other Defendants, and was at all times mentioned herein acting within the course and scope of said agency and employment, and that all acts or omissions alleged herein was duly committed with the ratification, knowledge, permission, encouragement, authorization and

1 consent of each Defendant designated herein.

2 42. At all times herein mentioned, Plaintiff was employed by EMPLOYER DEFENDANTS
3 and DOES 1 through 100.

4 43. Plaintiff is informed and believes and based thereon alleges, that at all times mentioned
5 herein, EMPLOYER DEFENDANTS and JONATHAN WILLIAMS and Does 1 through
6 100 and each of them, was the agent, servant, employee, representative, joint venturer,
7 parent, co-employer, alter ego assign, predecessor, manager, agent, managing agent and/or
8 successor of each of the EMPLOYER DEFENDANTS and were at all times material
9 hereto acting within the authorized course and scope of these relationships, and/or that all
10 acts, conduct, and omissions were subsequently ratified by the respective principals and
11 the benefits thereof accepted by the principals.

12 44. PLAINTIFF was qualified for her position and performed her job duties satisfactorily
13 throughout her employment with the EMPLOYER DEFENDANTS.

14 45. As set forth above, beginning on or about August 2017, Defendant JOHNATHAN
15 WILLIAMS improperly touched plaintiff's breast at least three times. He continued to
16 make unwatned advances towards her. Plaintiff learned that he had inappropriately
17 touched other female teachers as well. Many female teachers felt uncomfortable working
18 around him, including plaintiff.

19 46. The EMPLOYER DEFENDANTS were aware of the harassment and ratified and
20 condoned the harassment. Plaintiff complained to the EMPLOYER DEFENDANTS in
21 October 2017. Despite her complaints, the EMPLOYER DEFENDANTS failed to
22 conduct a fair and unbiased investigation and failed to take any action to prevent
23 Defendant JONATHAN WILLIAMS from being able to come in contact with plaintiff and
24 other female teachers. The EMPLOYER DEFENDANTS continued to employ
25 WILLIAMS even after they knew he had sexually harassed plaintiff. THE EMPLOYER
26 DEFENDANTS' ratified and condoned actions of WILLIAMS . The EMPLOYER
27 DEFENDANT'S actions were in violation of FEHA as set forth in Government Code
28 12940 et seq.

1 47. PLAINTIFF filed timely charges with the California Department of Fair Employment and
2 Housing and received notice of the right to sue on January 30,2018 permitting her to
3 bring this legal action. PLAINTIFF has therefore exhausted her administrative remedies
4 under the California Government Code.

5 48. Instead of helping plaintiff, or preventing any further harassment, or retaliation,
6 EMPLOYER DEFENDANTS allowed WILLIAMS to continue working failed to prevent
7 further harassment and retaliation. The EMPLOYER DEFENDANTS, their CEO
8 WILLIAMS and other managers, administrators and officers, and managing agents and
9 supervisor's who's names are not currently known to plaintiff but will be the subject of
10 discovery, not only failed to prevent retaliation , they actively engaged in retaliation and
11 ignored plaintiff without just cause.

12

13 49. Plaintiff complained of being sexually harassed on multiple occasions, but the
14 EMPLOYER DEFENDANTS failed to take any action against her harasser. EMPLOYER
15 DEFENDANTS were aware of the harassment and ratified and condoned the harassment.
16 EMPLOYER DEFENDANTS' actions were in violation of FEHA as set forth in
17 Government Code 12940 et seq

18 50. As set forth above, EMPLOYER DEFENDANTS failed to investigate and prevent the
19 discrimination and or retaliation. The acts and conduct of DEFENDANTS, and each of
20 them, as aforesaid, was in violation of California Government Code §12940 et seq. Said
21 statutes impose certain duties upon EMPLOYER DEFENDANTS, and each of them, take
22 steps to investigate and prevent discrimination and retaliation. Said statutes were intended
23 to prevent the type of injury and damage herein set forth. Plaintiff was, at all times materia
24 hereto, an employee within the protected class covered by California Government Code
25 §12940, et seq. requiring an employer to investigate and prevent harassment and
26 retaliation.

27 51. PLAINTIFF filed timely charges with the California Department of Fair Employment and
28 Housing and received notice of the right to sue permitting her to bring this legal action.

1 PLAINTIFF has therefore exhausted her administrative remedies under the California
2 Government Code.

3 52. By the acts and conduct described above, EMPLOYER DEFENDANTS and each of
4 them, in violation of said statutes, knew about or should have known about and failed to
5 prevent or remedy the sexual harassment and retaliation. EMPLOYER DEFENDANTS
6 also failed to prevent retaliation because of Plaintiff's complaints about what she
7 reasonably believed was illegal treatment. Nothing was done to assist Plaintiff,
8 WILLIAMS was permitted to continue as CEO and continues in that position today, with
9 out any discipline, and being allowed to be around female students and faculty members.

10 53. Despite her efforts to stop the harassment and retaliation by seeking help from managing
11 agents, supervisors, managers and administrators no one would help Plaintiff. No one took
12 any steps to investigate or prevent the discrimination or retaliation. Instead plaintiff had to
13 continue seeing WILLIAMS and this caused her panic attacks which continues to
14 today.

15 54. By the aforesaid acts and conduct of EMPLOYER DEFENDANTS, Plaintiff has been
16 directly and legally caused to suffer actual damages pursuant to California Civil Code
17 §3333 including, but not limited to, loss of earnings and future earning capacity, medical
18 and related expenses for care and procedures both now and in the future, attorney's fees,
19 and other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of
20 court to amend when ascertained.

21 55. As a direct and legal result of the acts and conduct of EMPLOYER DEFENDANTS, as
22 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and
23 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright,
24 shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is
25 presently unknown to Plaintiff, who will pray leave of court to assert the same when they
26 are ascertained.

27 56. The aforementioned acts and omissions of the EMPLOYER DEFENDANTS, committed
28 by and through their managing agents, supervisors, alter egos, was done with the

1 knowledge of the EMPLOYER DEFENDANTS and or was ratified and condoned by
2 them, and each of them, was willful, wanton, malicious, intentional, oppressive and
3 despicable and was done in willful and conscious disregard of the rights, welfare and
4 safety of Plaintiff, and was done by managerial agents, agents, supervisors and alter egos
5 of the EMPLOYER DEFENDANTS, and with the express knowledge, consent, and
6 ratification of managerial employees of the EMPLOYER DEFENDANTS, thereby
7 justifying the awarding of punitive and exemplary damages in an amount to be determined
8 at the time of trial. Prior to the termination of Plaintiff, the EMPLOYER DEFENDANTS'
9 managing agents, agents and supervisors engaged in a pattern of harassing and retaliating
10 against employees who complained of sexual harassment. EMPLOYER DEFENDANTS
11 and it managing agents knew that their actions was illegal and acted in conscious disregard
12 for the law.

13 57. Prior to the termination of Plaintiff, the EMPLOYER DEFENDANTS' managing agents,
14 agents and supervisors (whose identity is known to Defendants, and will be the subject of
15 discovery in this case), engaged in a pattern of ignoring complaints of sexual harassment in
16 the workplace and blamed plaintiff. They allowed the harasser to continue working as a
17 CEO. The EMPLOYER DEFENDANTS and it managing agents (whose identity is
18 known to Defendants, and will be the subject of discovery in this case), knew that their
19 actions were illegal and acted in conscious disregard for the law. Plaintiff, as set forth
20 above and by the FEHA. The conduct of EMPLOYER DEFENDANTS, their managing
21 agents and alter egos as set forth herein was reprehensible. EMPLOYER DEFENDANTS
22 knew they were allowing Plaintiff to be harassed, and allowed WILLIAMS to continue
23 working with plaintiff. The EMPLOYER DEFENDANTS knew their behavior was
24 illegal, but did it anyway, in blatant disregard of the law.

25 58. As a result of the acts and omissions to act, of the EMPLOYER DEFENDANTS, and
26 each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs
27 of said suit as specifically provided in California Government Code §12965(b).

28 59. Plaintiff has been generally damaged in an amount within the jurisdiction of this Court.

III

THIRD CAUSE OF ACTION

**For Retaliation in Violation of California Government Code § 12940 et seq. Against the
EMPLOYER DEFENDANTS And Does 1 Through 100**

60. Plaintiff repeats and re-pleads all of the allegations contained in all preceding paragraphs as though set forth in full herein and incorporates all of the same as though set forth in full herein.

61. At all times mentioned herein, Plaintiff was an individual residing in the County of Los Angeles, State of California.

62. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, the
EMPLOYER DEFENDANTS were, and now are, a business entity authorized and
conducting business in the County of Los Angeles, State of California.

63. Plaintiff is ignorant of the true names and capacities, whether corporate, associate, individual, or otherwise, of Defendants sued herein as DOES 1 through 100, inclusive, and therefore sues said Defendants, and each of them, by such fictitious names. Plaintiff will seek leave of court to amend this complaint to assert the true names and capacities of the fictitiously named Defendants when the same have been ascertained. Plaintiff is informed and believes, and thereon alleges, that each Defendant designated as a "DOE" herein is legally responsible for the events, happenings, acts, occurrences, indebtedness, damages and liabilities hereinafter alleged and caused injuries and damages to the Plaintiff.

64. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, each Defendant designated, including DOES 1 through 100, herein was the agent, partner, joint venturer, representative, servant, employee and/or co-conspirator of each of the other Defendants, and was at all times mentioned herein acting within the course and scope of said agency and employment, and that all acts or omissions alleged herein was duly committed with the ratification, knowledge, permission, encouragement, authorization and consent of each Defendant designated herein.

1 65. EMPLOYER DEFENDANTS retaliated against Plaintiff after she complained of sexual
2 harassment. EMPLOYER DEFENDANTS engaged in a course or pattern of conduct that,
3 taken as a whole, materially and adversely affected the terms, conditions, or privileges of
4 Plaintiff's 's employment. EMPLOYER DEFENDANTS informed other teachers of
5 plaintiffs identity as the complaining party and informed Williams of her identity, this
6 effected her employment plaintiff has been shunned by others who are afraid they might
7 suffere retaliation if they are seen associating with her and plaintiff has to endure
8 Williams still coming in contact with her and glaring at her , causing her continued
9 emotional distress. The EMPLOYER DEFENDANTS engaged a nd continue to engage in
10 conduct that is reasonably likely to impair a reasonable employee's job performance or
11 prospects for advancement or promotion and they thus subjected Plaintiff to an adverse
12 employment action . Adverse employment actions are not limited to ultimate actions such
13 as termination or demotion. Plaintiff complained no one helped her.

14 66. THE EMPLOYER DEFENDANTS retaliated against Plaintiff by the
15 following actions among others: Not only did the EMPLOYER
16 DEFENDANTS fail to investigate, they failed to prevent further harassment
17 and retaliation. The EMPLOYER DEFENDANTS, their managers, managing
18 agents and supervisor's who's names are not currently known to plaintiff but
19 will be the subject of discovery, not only failed to prevent retaliation, they
20 actively engaged in retaliation and ignored plaintiff without just cause.

21 67. EMPLOYER DEFENDANTS were aware of the harassment and ratified and condoned
22 the harassment. EMPLOYER DEFENDANTS and WILLIAMS continued to work
23 around female teachers and students . EMPLOYER DEFENDANTS' actions were in
24 violation of FEHA as set forth in Government Code 12940 et seq

25 68. The acts and conduct of DEFENDANTS, and each of them, as aforesaid, was in violation
26 of California Government Code §12940 et seq. Said statutes impose certain duties upon
27 EMPLOYER DEFENDANTS, and each of them, to prevent retaliation and not to engage
28 in retaliation against an employee who complains of sexual harassment. Said statutes were

1 intended to prevent the type of injury and damage herein set forth. Plaintiff was, at all
2 times material hereto, an employee within the protected class covered by California
3 Government Code §12940, et seq. requiring an employer to investigate and prevent
4 harassment and retaliation.

5 69. PLAINTIFF filed timely charges with the California Department of Fair Employment and

6 Housing and received notice of the right to sue on January 30,2018 permitting her to
7 bring this legal action. PLAINTIFF has therefore exhausted her administrative remedies
8 under the California Government Code.

9 70. By the acts and conduct described above, EMPLOYER DEFENDANTS and each of

10 them, in violation of said statutes, knew about or should have known about and failed to
11 prevent or remedy the sexual harassment and retaliation. EMPLOYER DEFENDANTS
12 also failed to prevent retaliation because of Plaintiff's complaints about what she
13 reasonably believed was illegal treatment. Nothing was done to assist Plaintiff.

14 71. Despite her efforts to stop the harassment and retaliation by seeking help from managing

15 agents, supervisors, managers and Human Resources, no one would help Plaintiff. No one
16 took any steps to investigate or prevent the discrimination or retaliation. Instead plaintiff
17 was over scrutinized at work.

18 72. By the aforesaid acts and conduct of EMPLOYER DEFENDANTS, Plaintiff has been

19 directly and legally caused to suffer actual damages pursuant to California Civil Code
20 §3333 including, but not limited to, loss of earnings and future earning capacity, medical
21 and related expenses for care and procedures both now and in the future, attorney's fees,
22 and other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of
23 court to amend when ascertained.

24 73. As a direct and legal result of the acts and conduct of EMPLOYER DEFENDANTS, as

25 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and
26 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright,
27 shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is
28 presently unknown to Plaintiff, who will pray leave of court to assert the same when they

1 are ascertained.

2 74. The aforementioned acts and omissions of the EMPLOYER DEFENDANTS, committed
3 by and through their managing agents, supervisors, alter egos, was done with the
4 knowledge of the EMPLOYER DEFENDANTS and or was ratified and condoned by
5 them, and each of them, was willful, wanton, malicious, intentional, oppressive and
6 despicable and was done in willful and conscious disregard of the rights, welfare and
7 safety of Plaintiff, and was done by managerial agents, agents, supervisors and alter egos
8 of the EMPLOYER DEFENDANTS, and with the express knowledge, consent, and
9 ratification of managerial employees of the EMPLOYER DEFENDANTS, thereby
10 justifying the awarding of punitive and exemplary damages in an amount to be determined
11 at the time of trial. Prior to the termination of Plaintiff, the EMPLOYER DEFENDANTS'
12 managing agents, agents and supervisors engaged in a pattern of harassing and retaliating
13 against employees who complained of sexual harassment. EMPLOYER DEFENDANTS
14 and it managing agents knew that their actions was illegal and acted in conscious disregard
15 for the law.

16 75. Prior to the termination of Plaintiff, the EMPLOYER DEFENDANTS' managing agents,
17 agents and supervisors (whose identity is known to Defendants, and will be the subject of
18 discovery in this case), engaged in a pattern of ignoring complaints of sexual harassment in
19 by WILLIAMS . They allowed the harasser to continue working even though he sexually
20 harassed plaintiff. The EMPLOYER DEFENDANTS and it managing agents (whose
21 identity is known to Defendants, and will be the subject of discovery in this case), knew
22 that their actions were illegal and acted in conscious disregard for the law. The retaliation
23 by EMPLOYER DEFENDANTS was devised by EMPLOYER DEFENDANTS and was
24 ratified and condoned by DEFENDANTS with the knowledge that it was unlawful and
25 without regard for the protections afforded Plaintiff, as set forth above and by the FEHA.
26 The conduct of EMPLOYER DEFENDANTS, their managing agents and alter egos as set
27 forth herein was reprehensible. EMPLOYER DEFENDANTS knew they were allowing
28 Plaintiff to be harassed, and when she complained and instead of helping her, they ignored

1 Plaintiff . The EMPLOYER DEFENDANTS knew their behavior was illegal, but did it
2 anyway, in blatant disregard of the law.

3 76. As a result of the acts and omissions to act, of the EMPLOYER DEFENDANTS, and
4 each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs
5 of said suit as specifically provided in California Government Code §12965(b).

6 77. Plaintiff has been generally damaged in an amount within the jurisdiction of this Court.

7 78. The harm to Plaintiff was "physical" in the sense that it affected her emotional and mental
8 health, rather than being a purely economic harm. *State Farm Mutual Automobile Ins. Co.*
9 *v. Campbell* (2003) 538 U.S. 408, 419. It was objectively reasonable to assume that
10 EMPLOYER DEFENDANTS' employers' and managing agents' acts of discrimination
11 and harassment toward PLAINTIFF would affect her emotional well-being, and therefore
12 DEFENDANTS employers' "conduct evinced an indifference to or a reckless disregard of
13 the health or safety of others."

14 79. As a result of the discriminatory acts of EMPLOYER DEFENDANTS, their agents and
15 alter egos, and each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys'
16 fees and costs of said suit as specifically provided in California Government Code
17 §12965(b).

18 80. Plaintiff has suffered general damages in an amount within the jurisdiction of this court.

19
20 **IV**

21 **FOURTH CAUSE OF ACTION**

22 **For Violation of Civil Code §51 and Civil Code § 52.1(b) AGAINST ALL DEFENDANTS**
23 **AND DOES 1 THROUGH 100, INCLUSIVE**

24
25 81. Plaintiff repeats, realleges, and re-pleads all preceding paragraphs as though set forth in
26 full herein and incorporates all of the same as though set forth in full herein.
27 82. Plaintiff was at all times employed directly and/or indirectly by EMPLOYER
28 DEFENDANTS and Does 1 through 100, who were the agents, principals, subsidiaries,

1 parents, joint venturers, joint employers, alter egos, of each other and ratified the conduct
2 of each Defendant respectively.

3 83. At all times herein, Defendant WILLIAMS Does 1 through 100, and others whose identity
4 would be known to the Defendants but which is the subject of discovery by Plaintiff,
5 were managing agents, agents, managers, and supervisors of EMPLOYER
6 DEFENDANTS and each of them, and were acting within the course of scope of such
7 agency, employment, authority and held themselves out to have such agency,
8 employment and authority at all times herein mentioned and was at all times material
9 hereto acting within the authorized course and scope of these relationships, and/or that all
10 acts, conduct, and omissions were subsequently ratified and condoned by the respective
11 principals and the benefits thereof accepted by the principals.

12 84. The true nature of the relationship between the EMPLOYER DEFENDANTS and Does 1
13 through 100 inclusive will be the subject of further discovery and Plaintiff reserves the
14 right to amend and or supplement this complaint once more information is obtained.

15 85. Plaintiff is ignorant of the true names and capacities, whether corporate, associate,
16 individual, or otherwise, of Defendants sued herein as Does 1-100, inclusive, and
17 therefore sue said Defendants, and each of them, by such fictitious names. Plaintiff will
18 seek leave of court to amend this Complaint to assert the true names and capacities of the
19 fictitiously named Defendants when the same have been ascertained. Plaintiff is
20 informed and believes, and thereon alleges, that each Defendant designated as "Does"
21 herein is legally responsible for the events, happenings, acts, occurrences, indebtedness,
22 damages and liabilities hereinafter alleged and caused injuries and damages proximately
23 thereby to the Plaintiffs, as hereinafter alleged.

24 86. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein,
25 each Defendant designated, including Does 1-100, herein was the agent, managing agent,
26 principal, owner, partner, joint venturer, representative, supervisor, manager, servant,
27 employee and/or co-conspirator of each of the other Defendants, and was at all times
28 mentioned herein acting within the course and scope of said agency and employment,

1 and that all acts or omissions alleged herein were duly committed with the ratification,
2 knowledge, permission, encouragement, authorization and consent of each Defendant
3 designated herein.

4 87. EMPLOYER DEFENDANTS' employees, supervisors and managing agents, including
5 Human Resources , and each of them, while acting in the course and scope of their
6 employment with EMPLOYER DEFENDANTS and in carrying out the policies and
7 practices of the EMPLOYER DEFENDANTS violated plaintiff's rights under Civil
8 Code §51.

9 88. Civil Code §51 provides in part: that All persons within the jurisdiction of this state are
10 free and equal, not matter what their sex, race, age are entitled to free and equal
11 advantages, privileges in all business establishments of every kind. Civil Code §52
12 provides in pertinent part that All persons of this state have the right to be free from any
13 violence, or intimidation by threat of violence, committed against their persons because of
14 their sex or any other characteristic listed in Section 51.

15 89. By the following actions, among others, the EMPLOYER DEFENDANTS violated Civil
16 Code Sections 51 and 52 by and though their employees, supervisors, agents, managing
17 agents including WILLIAMS and others who's names are unknown to plaintiff at this
18 time but will be the subject of discovery by and among the following actions:

19 a. WILLIAMS was employed by the EMPLOYER DEFENDANTS and
20 plaintiff's supervisor began sexually harassing and threatening and continually
21 sexually harassed plaintiff until the present. The conduct was severe,
22 pervasive, continuous and offensive. Williams touched plaintiff's breast at
23 least three times. This was unwanted, unwelcome and offensive. He is the CEO
24 of EMPLOYER DEFENDANTS. Plaintiff was shocked and scared. She finally
25 got up the nerve to complain in about October 2017.

26 b. Instead of helping plaintiff, or preventing any further harassment, or retaliation,
27 EMPLOYER DEFENDANTS allowed WILLIAMS to continue to be around
28 plaintiff where he would make comments and at one point touched her again in

appropriately. Not only did the EMPLOYER DEFENDANTS fail to investigate, they failed to prevent further harassment and retaliation. The EMPLOYER DEFENDANTS not only failed to prevent retaliation, they actively engaged in retaliation and chose to believe WILLIAMS over the plaintiff allowing WILLIAMS to remain in his position of power over female students and faculty, despite WILLIAMS s known history of sexual assault, inappropriate touching and unwelcome advances.

8 90. Plaintiff complained of being sexually harassed on multiple occasions, but the Officers
9 and Directors of EMPLOYER DEFENDANTS failed to take any action against her
10 harasser WILLIAMS . EMPLOYER DEFENDANTS were aware of the harassment and
11 threats of violence and ratified and condoned the harassment and threats of violence.
12 EMPLOYER DEFENDANTS' actions were in violation of FEHA as set forth in CIVIL
13 CODE § 51 and CIVIL CODE § 52.1(b) .Said statutes were intended to prevent the type
14 of injury and damage herein set forth. Plaintiff was, at all times material hereto, within the
15 protected class covered by Civil Code § 51 and Civil Code § 52, et seq. preventing
16 sexual harassment and the threat of violence based on someone's sex. Plaintiff and
17 WILLIAMS were in a position where he had power in his position and abused that
18 power to sexually harass plaintiff.

19 91. By the acts and conduct described above, EMPLOYER DEFENDANTS and each of
20 them, in violation of said statutes, knew about or should have known about and failed to
21 prevent or remedy the sexual harassment and retaliation. EMPLOYER DEFENDANTS
22 also failed to prevent retaliation because of Plaintiff's complaints about what she
23 reasonably believed was illegal treatment. Despite her efforts to stop the harassment and
24 retaliation by seeking help from managing agents, supervisors, managers and Directors, no
25 one would help Plaintiff. No one took any steps to conduct a good faith investigation or
26 prevent the discrimination or retaliation.

27 92. By the aforesaid acts and conduct of EMPLOYER DEFENDANTS, Plaintiff has been
28 directly and legally caused to suffer actual damages pursuant to California Civil Code

§3333 including, but not limited to, loss of earnings and future earning capacity, medical and related expenses for care and procedures both now and in the future, attorney's fees, and other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of court to amend when ascertained.

5 93. As a direct and legal result of the acts and conduct of EMPLOYER DEFENDANTS, as
6 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and
7 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright,
8 shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is
9 presently unknown to Plaintiff, who will pray leave of court to assert the same when they
10 are ascertained.

11 94. The aforementioned acts and omissions of the EMPLOYER DEFENDANTS, committed
12 by and through their managing agents, supervisors, alter egos, was done with the
13 knowledge of the EMPLOYER DEFENDANTS and or was ratified and condoned by
14 them, and each of them, was willful, wanton, malicious, intentional, oppressive and
15 despicable and was done in willful and conscious disregard of the rights, welfare and
16 safety of Plaintiff, and was done by managerial agents, agents, supervisors and alter egos
17 of the EMPLOYER DEFENDANTS, and with the express knowledge, consent, and
18 ratification of managerial employees of the EMPLOYER DEFENDANTS, thereby
19 justifying the awarding of punitive and exemplary damages in an amount to be determined
20 at the time of trial. Prior to the termination of Plaintiff, the EMPLOYER DEFENDANTS
21 managing agents, agents and supervisors engaged in a pattern of harassing and retaliating
22 against employees who complained of sexual harassment. EMPLOYER DEFENDANTS
23 and it managing agents knew that their actions was illegal and acted in conscious disregard
24 for the law.

25 95. Prior to the termination of Plaintiff, the EMPLOYER DEFENDANTS' managing agents,
26 agents and supervisors (whose identity is known to Defendants, and will be the subject of
27 discovery in this case), engaged in a pattern of ignoring complaints of sexual harassment in
28 the workplace and blamed plaintiff. They allowed the harasser to continue working and

1 be around female students and faculty. They refused to investigate. The EMPLOYER
2 DEFENDANTS and its managing agents (whose identity is known to Defendants, and will
3 be the subject of discovery in this case), knew that their actions were illegal and acted in
4 conscious disregard for the law. The conduct of EMPLOYER DEFENDANTS, their
5 managing agents and alter egos as set forth herein was reprehensible. The EMPLOYER
6 DEFENDANTS knew their behavior was illegal, but did it anyway, in blatant disregard
7 of the law.

8 96. As a result of the acts and omissions to act, of the EMPLOYER DEFENDANTS, and
9 each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs
10 of said suit as specifically provided in California Government Code §12965(b).

11 97. Plaintiff has been generally damaged in an amount within the jurisdiction of this Court.
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17 V

18 **FIFTH CAUSE OF ACTION**

19 **FOR VIOLATION OF LABOR CODE 1102.5 AGAINST THE EMPLOYER
20 DEFENDANTS AND DOES 1 THROUGH 100, INCLUSIVE**

21 98. Plaintiff was at all times employed directly and/or indirectly by EMPLOYER
22 DEFENDANTS and Does 1 through 100, who were the agents, principals, subsidiaries,
23 parents, joint venturers, joint employers, alter egos, of each other and ratified the conduct
24 of each Defendant respectively.

25 99. At all times herein, WILLIAMS and Does 1 through 100, and others whose identity would
26 be known to the Defendants but which is the subject of discovery by Plaintiff, were
27 managing agents, agents, managers, and supervisors of EMPLOYER DEFENDANTS and
28 each of them, and were acting within the course of scope of such agency, employment,

1 authority and held themselves out to have such agency, employment and authority at all
2 times herein mentioned and was at all times material hereto acting within the authorized
3 course and scope of these relationships, and/or that all acts, conduct, and omissions were
4 subsequently ratified and condoned by the respective principals and the benefits thereof
5 accepted by the principals.

6 100. The true nature of the relationship between the EMPLOYER DEFENDANTS and
7 Does 1 through 100 inclusive will be the subject of further discovery and Plaintiff reserves
8 the right to amend and or supplement this complaint once more information is obtained.

9 101. Plaintiff is ignorant of the true names and capacities, whether corporate, associate,
10 individual, or otherwise, of Defendants sued herein as Does 1-100, inclusive, and therefore
11 sue said Defendants, and each of them, by such fictitious names. Plaintiff will seek leave
12 of court to amend this Complaint to assert the true names and capacities of the fictitiously
13 named Defendants when the same have been ascertained. Plaintiff is informed and
14 believes, and thereon alleges, that each Defendant designated as "Does" herein is legally
15 responsible for the events, happenings, acts, occurrences, indebtedness, damages and
16 liabilities hereinafter alleged and caused injuries and damages proximately thereby to the
17 Plaintiffs, as hereinafter alleged.

18 102. Plaintiff is informed and believes, and thereon alleges, that at all times relevant
19 herein, each Defendant designated, including Does 1-100, herein was the agent, managing
20 agent, principal, owner, partner, joint venturer, representative, supervisor, manager,
21 servant, employee and/or co-conspirator of each of the other Defendants, and was at all
22 times mentioned herein acting within the course and scope of said agency and
23 employment, and that all acts or omissions alleged herein were duly committed with the
24 ratification, knowledge, permission, encouragement, authorization and consent of each
25 Defendant designated herein.

26 103. EMPLOYER DEFENDANTS' employees, supervisors and managing agents,
27 including WILLIAMS , and each of them, while acting in the course and scope of their
28 employment with EMPLOYER DEFENDANTS and in carrying out the policies and

1 practices of the EMPLOYER DEFENDANTS violated plaintiff's rights under Civil Code
2 §51 and Civil Code §52.

3 104. Plaintiff believes the EMPLOYER DEFENDANTS had a pattern of ignoring
4 employees who complained of sexual harassment. The EMPLOYER DEFENDANTS
5 have proof of this exclusively within their custody and control and this will be the
6 subject of discovery and investigation during the case.

7 105. EMPLOYER DEFENDANTS' employees, supervisors and managing agents, including
8 WILLIAMS , and each of them, while acting in the course and scope of their
9 employment with EMPLOYER DEFENDANTS and in carrying out the policies and
10 practices of the EMPLOYER DEFENDANTS violated plaintiff's rights under FEHA §
11 12940 et seq

12 106. The public policy as set forth in FEHA, codified at Government Code §12900 et seq.
13 prohibits, among other things, sexual harassment, retaliation for complaints of sexual
14 harassment, and the FEHA requires an investigation into allegations of sexual
15 harassment. Further, the FEHA requires that an employer take all reasonable steps to
16 prevent discrimination or retaliation from occurring and that an employer investigate
17 allegations of discrimination and retaliation. Plaintiff reported harassed and retaliation
18 against after complaining of sexual harassment, but she was ignored and no
19 investigations were ever done to her knowledge. The public policy as set forth in
20 Government Code §12940 et seq. is to protect employees who make complaints of what
21 they reasonably believe to be illegal activity in contravention of FEHA. The public
22 policy as set forth in Civil Code §51 and §52. Civil Code §51 and §52 is designed to
23 protect people such as plaintiff, who are victims of sexual harassment from sexual
24 harassment and from threat of violence because they have been sexually harassed.

25 107. At all times relevant to this action, the EMPLOYER DEFENDANTS and each of them
26 knew, or should have known, of the public policy and prohibitions and requirements of
27 FEHA, including the prohibitions set forth in Government Code §12940 et seq. against
28 harassment and termination on account of a person's sex and complaints of sexual

1 harassment and the requirement as set forth in Government Code §12940 et seq.

2 108. Plaintiff opposed the sexual harassment by WILLIAMS and complained about the
3 sexual harassment.

4 109. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has been
5 directly and legally caused to suffer actual damages pursuant to California Civil Code
6 §3333 including, but not limited to, loss of earnings and future earning capacity, medical
7 and related expenses for care and procedures both now and in the future, attorney's fees,
8 and other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of
9 court to amend when ascertained.

10 110. As a direct and legal result of the acts and conduct of EMPLOYER DEFENDANTS,
11 Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent
12 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock,
13 pain, discomfort and anxiety. The exact nature and extent of said injuries is presently
14 unknown to Plaintiff, who will pray leave of court to assert the same when they are
15 ascertained.

16 111. Further, Defendants, their managing agents, including but not limited to, managing
17 agents, supervisors, ratified and condoned the action against Plaintiff and allowed
18 WILLIAMS to continue working there and work around female students and faculty.
19 The aforementioned acts of EMPLOYER DEFENDANTS and its alter egos, committed
20 by and through their managing agents, supervisors, were done with the knowledge of
21 EMPLOYER DEFENDANTS and its alter egos and or were ratified and condoned by
22 them and their alter egos, and each of them, were willful, wanton, malicious, intentional,
23 oppressive, illegal and despicable and were done in willful and conscious disregard of
24 the rights, welfare and safety of Plaintiff, and were done by managerial agents of
25 Defendants and its alter egos, and Does 1 through 100, and with the express knowledge,
26 consent, and ratification of managerial employees of Defendants and its alter egos,
27 thereby justifying the awarding of punitive and exemplary damages in an amount to be
28 determined at the time of trial.

1 112. The EMPLOYER DEFENDANTS' managing agents, agents and supervisors (whose
2 identity is known to Defendants, and will be the subject of discovery in this case),
3 engaged in a pattern of ignoring complaints of sexual harassment in the workplace and
4 blamed plaintiff. They allowed the harasser to continue working even though he held a
5 position of power CEO which allowed him to have the power over female students and
6 faculty. The EMPLOYER DEFENDANTS and its managing agents (whose identity
7 is known to Defendants, and will be the subject of discovery in this case), knew that their
8 actions were illegal and acted in conscious disregard for the law. The termination of
9 Plaintiff when he was being sexually harassed by employees/ supervisor, person who
10 was in a position of authority over plaintiff, of EMPLOYER DEFENDANTS was
11 devised by EMPLOYER DEFENDANTS and was ratified and condoned by
12 DEFENDANTS with the knowledge that it was unlawful and without regard for the
13 protections afforded Plaintiff, as set forth above and by the FEHA. The conduct of
14 EMPLOYER DEFENDANTS, their managing agents and alter egos as set forth herein
15 was reprehensible. EMPLOYER DEFENDANTS knew they were allowing Plaintiff to
16 be harassed, and her life threatened and when she complained and instead of helping her,
17 they allowed WILLIAMS to remain and to take action against Plaintiff. The
18 EMPLOYER DEFENDANTS knew their behavior was illegal, but did it anyway, in
19 blatant disregard of the law.

20 113. As a result of the acts and omissions to act, of the EMPLOYER DEFENDANTS, and
21 each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and
22 costs of said suit as specifically provided in California Code of Civil Procedure 1021.5
23 et seq. since she is acting as a private attorney general to protect public policy as set
24 forth above.

25 114. Plaintiff has been generally damaged in an amount within the jurisdiction of this Court.

26 115. The harm to Plaintiff was "physical" in the sense that it affected her emotional and
27 mental health, rather than being a purely economic harm. State Farm Mutual
28 Automobile Ins. Co. v. Campbell (2003) 538 U.S. 408, 419. It was objectively

1 reasonable to assume that EMPLOYER DEFENDANTS' employers' and managing
2 agents' acts of discrimination and harassment toward PLAINTIFF would affect her
3 emotional well-being, and therefore DEFENDANTS employers' "conduct evinced an
4 indifference to or a reckless disregard of the health or safety of others."

5 116. As a result of the discriminatory acts of EMPLOYER DEFENDANTS, their agents
6 and alter egos, and each of them, as alleged herein, Plaintiff is entitled to reasonable
7 attorneys' fees and costs of said suit as specifically provided in California Government
8 Code §12965(b).

9 117. Plaintiff has suffered general damages in an amount within the jurisdiction of this
10 court.

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15 **SIXTH CAUSE OF ACTION**

16 **For Intentional Infliction of Emotional Distress Against the EMPLOYER DEFENDANTS,**
17 **JONATHAN WILLIAMS and Does 1 Through 100, Inclusive**

18 118. PLAINTIFF repeats and realleges each and every allegation set forth in the preceding
19 paragraphs and incorporates them herein by reference with the same effect as if realleged
20 herein.

21 119. At all times mentioned herein Plaintiff was and is now an individual residing in the
22 County of Los Angeles, State of California.

23 120. During Plaintiff's employment with the EMPLOYER DEFENDANTS, WILLIAMS
24 and DOES 1-100 (collectively "DEFENDANTS") engaged in an extreme and outrageous
25 and intentional and injurious course of conduct which was in conscious disregard of
26 PLAINTIFF's rights. DEFENDANTS' behavior was extreme and outrageous and cannot
27 be considered normal personnel actions. DEFENDANTS abused their position of
28 authority over Plaintiff. DEFENDANTS knew the Plaintiff was susceptible to injuries

1 through mental distress, and DEFENDANTS acted intentionally or unreasonably with
2 the recognition that Defendants' acts were likely to result in illness to Plaintiff through
3 mental distress. DEFENDANTS' actions were illegal, DEFENDANTS knew they were
4 illegal, and DEFENDANTS carried them out with a malicious intent to harm Plaintiff.

5 121. WILLIAMS , the CEO continued in his position of power over female employees,
6 students and faculty, even though defendants knew he had sexually assaulted women in
7 the past made repeated unwanted sexual advances towards plaintiff. The sexual
8 harassment by WILLIAMS a CEO and , supervisor, and person in position of authority
9 over plaintiff was severe, pervasive, continuous, and offensive.

10 122. Plaintiff complained of being sexually harassed on multiple occasions, but the Officers
11 of EMPLOYER DEFENDANTS failed to take any action . The EMPLOYER
12 DEFENDANTS were aware of the harassment and ratified and condoned the harassment
13 The EMPLOYER DEFENDANTS continued to employ WILLIAMS even after they
14 knew he had sexually harassed plaintiff. THE EMPLOYER DEFENDANTS' ratified
15 and condoned actions of WILLIAMS . Defendnat WILLIAMS and The
16 EMPLOYER DEFENDANT'S actions were illegal and in violation of FEHA as set
17 forth in Government Code 12940 et seq.

18 123. When plaintiff complained to EMPLOYER DEFENDANTS's she did not get any
19 help there as no investigation. Instead WILLIAMS was allowed to retaliate. The
20 EMPLOYER DEFENDANTS knew or should have known of WILLIAMS s past history
21 of touching other female teachers in an unwanted and unwelcome way , but hired him for
22 the position of power and when he did make unwanted advances towards plaintiff, decided
23 they would believe WILLIAMS over plaintiff, and other female teachers and students
24 despite WILLIAM' s history of sexual assault. Defendants negligently hired WILLIAMS
25 for a position of power and prestige, the CEO of THE ACCELERATED SCHOOLS when
26 they knew or should have known he had been the subject of multiple claims of sexual
27 assault .

28 124. DEFENDANTS acted with intentional or reckless disregard of Plaintiff's rights and

1 these actions were completed with malicious intent to harm Plaintiff. DEFENDANTS
2 acted with intentional or reckless disregard of the probability that Plaintiff would suffer
3 emotional distress knowing that Plaintiff was present when DEFENDANTS' illegal
4 activity occurred. DEFENDANTS' conduct was in contravention of the public policy as
5 set forth in FEHA, precluding harassment, discrimination and retaliation in employment.
6 DEFENDANTS conduct in violation of FEHA as set forth herein constitutes outrageous
7 conduct because the employer-employee relationship cannot encompass conduct that is
8 obnoxious to the interests of the state and contrary to public policy.

9 125. DEFENDANTS acted with intentional or reckless disregard of Plaintiff's rights and
10 these actions were completed with malicious intent to harm Plaintiff. DEFENDANTS
11 acted with intentional or reckless disregard of the probability that Plaintiff would suffer
12 emotional distress knowing that Plaintiff was present when DEFENDANTS' illegal
13 activity occurred. DEFENDANTS' conduct was in contravention of the public policy as
14 set forth in Civil Code §51 and Civil Code § 52, precluding harassment, discrimination
15 and retaliation and threats of violence. DEFENDANTS conduct in violation of in Civil
16 Code §51 and Civil Code § 52 as set forth herein constitutes outrageous conduct
17 because the employer-employee relationship cannot encompass conduct that is
18 obnoxious to the interests of the state and contrary to public policy.

19 126. DEFENDANTS knew, or, in the exercise of reasonable care, should have known, that
20 the abusive and outrageous conduct would cause, and did cause, Plaintiff mental distress.
21 The abusive and outrageous conduct was so extreme as to exceed all bounds of that
22 usually tolerated in a decent and civilized society.

23 127. Plaintiff suffered extreme emotional distress. She had been an excellent employee for
24 over 7 years with the EMPLOYER DEFENDANTS. Plaintiff complained and asked
25 for an investigation of sexual harassment, which the EMPLOYER DEFENDANTS
26 failed to do. Plaintiff tried everything she could to stop the harassment. No one would
27 help.

28 128. Plaintiff suffered extreme, severe emotional distress. Plaintiff's stress continued to

1 mount . Then when the EMPLOYER DEFENDANTS allowed WILLIAMS to
2 continue in his position of power, and be around female students and faculty plaintiff
3 continued to feel extreme emotional distress. PLAINTIFF suffered emotional distress
4 and continues years later to suffer emotional distress because of the mistreatment by
5 DEFENDANTS. In approximately 2018 plaintiff suffered a panic attack when
6 WILLIAMS approached her.

7 129. As set forth above, DEFENDANTS' actions were illegal and in contravention of state
8 and federal codes, regulations, standards and statutes. Plaintiff continues to suffer
9 emotional distress as result of DEFENDANTS' actions.

10 130. By the aforesaid acts and conduct of DEFENDANTS, and each of them, Plaintiff has
11 been directly and legally caused to suffer actual damages pursuant to Cal. Civil Code
12 §3333 including, but not limited to, loss of earnings and future earning capacity, medical
13 and related expenses for care and procedures both now and in the future, attorneys' fees,
14 and other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of
15 court to amend when ascertained.

16 131. As a direct and legal result of the acts and omissions of DEFENDANTS, and each of
17 them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally
18 and externally, and suffered numerous internal injuries, severe fright, shock, pain,
19 discomfort and extreme anxiety (among other things). The exact nature and extent of said
20 injuries are not known to the Plaintiff, who will pray leave of court to insert the same
21 when they are ascertained. Plaintiff does not at this time know the exact duration or
22 permanence of said injuries, but is informed and believes, and thereon alleges, that some
23 of the said injuries are reasonably certain to be permanent in nature.

24 132. As a further legal result of the acts and omissions of the DEFENDANTS, and each of
25 them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory
26 costs, and is informed and believes, and thereon alleges, that Plaintiff will in the future
27 be forced to incur additional expenses of the same nature, all in an amount which is at
28 present unknown. Plaintiff will pray leave of court to show the exact amount of said

1 expenses at the time of trial.

2 133. Plaintiff has been generally damaged in an amount within the jurisdictional limits of this
3 Court.

4 134. The aforementioned acts of EMPLOYER DEFENDANTS and its alter egos, committed
5 by and through their managing agents, supervisors, were done with the knowledge of
6 EMPLOYER DEFENDANTS and its alter egos and or were ratified and condoned by
7 them and their alter egos, and each of them, were willful, wanton, malicious, intentional,
8 oppressive, illegal and despicable and were done in willful and conscious disregard of
9 the rights, welfare and safety of Plaintiff, and were done by managerial agents of
10 Defendants and its alter egos, and Does 1 through 100, and with the express knowledge,
11 consent, and ratification of managerial employees of Defendants and its alter egos,
12 thereby justifying the awarding of punitive and exemplary damages in an amount to be
13 determined at the time of trial.

14 135. The EMPLOYER DEFENDANTS' managing agents, agents and supervisors (whose
15 identity is known to Defendants, and will be the subject of discovery in this case),
16 engaged in a pattern of ignoring complaints of sexual harassment in the workplace and
17 blamed plaintiff. They allowed the harasser to continue working even though he
18 threatened plaintiff. They refused to investigate. They blamed plaintiff. The
19 EMPLOYER DEFENDANTS and its managing agents (whose identity is known to
20 Defendants, and will be the subject of discovery in this case), knew that their actions
21 were illegal and acted in conscious disregard for the law. The conduct of EMPLOYER
22 DEFENDANTS, their managing agents and alter egos as set forth herein was
23 reprehensible. EMPLOYER DEFENDANTS knew they were allowing Plaintiff to be
24 harassed, when she complained and instead of helping her, they let WILLIAMS
25 continue on as CEO. The EMPLOYER DEFENDANTS knew their behavior was
26 illegal, but did it anyway, in blatant disregard of the law.

27 136. As a result of the acts and omissions to act, of the EMPLOYER DEFENDANTS, and
28 each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs

1 of said suit as specifically provided in California Government Code §12965(b).

2 137. Plaintiff has been generally damaged in an amount within the jurisdiction of this Court.

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SEVENTH CAUSE OF ACTION

FOR NEGLIGENCE HIRING, RETENION AND SUPERVISION AGAINST THE DOE DEFENDANTS, AND EMPLOYER DEFENDANTS AND DOES 1 THROUGH 100, INCLUSIVE

11 138. Plaintiff was at all times employed directly and/or indirectly by EMPLOYER
12 DEFENDANTS and Does 1 through 100, who were the agents, principals, subsidiaries,
13 parents, joint venturers, joint employers, alter egos, of each other and ratified the conduct
14 of each Defendant respectively.

15 139. At all times herein, JONATHAN WILLIAMS and Does 1 through 100, and others
16 whose identity would be known to the Defendants but which is the subject of discovery by
17 Plaintiff, were managing agents, agents, managers, and supervisors of EMPLOYER
18 DEFENDANTS and each of them, and were acting within the course of scope of such
19 agency, employment, authority and held themselves out to have such agency, employment
20 and authority at all times herein mentioned and was at all times material hereto acting
21 within the authorized course and scope of these relationships, and/or that all acts, conduct,
22 and omissions were subsequently ratified and condoned by the respective principals and
23 the benefits thereof accepted by the principals.

24 140. The true nature of the relationship between the EMPLOYER DEFENDANTS and
25 Does 1 through 100 inclusive will be the subject of further discovery and Plaintiff reserves
26 the right to amend and or supplement this complaint once more information is obtained.

27 141. Plaintiff is ignorant of the true names and capacities, whether corporate, associate,
28 individual, or otherwise, of Defendants sued herein as Does 1-100, inclusive, and therefore

1 sue said Defendants, and each of them, by such fictitious names. Plaintiff will seek leave
2 of court to amend this Complaint to assert the true names and capacities of the fictitiously
3 named Defendants when the same have been ascertained. Plaintiff is informed and
4 believes, and thereon alleges, that each Defendant designated as "Does" herein is legally
5 responsible for the events, happenings, acts, occurrences, indebtedness, damages and
6 liabilities hereinafter alleged and caused injuries and damages proximately thereby to the
7 Plaintiffs, as hereinafter alleged.

8 142. Plaintiff is informed and believes, and thereon alleges, that at all times relevant
9 herein, each Defendant designated, including Does 1-100, herein was the agent, managing
10 agent, principal, owner, partner, joint venturer, representative, supervisor, manager,
11 servant, employee and/or co-conspirator of each of the other Defendants, and was at all
12 times mentioned herein acting within the course and scope of said agency and
13 employment, and that all acts or omissions alleged herein were duly committed with the
14 ratification, knowledge, permission, encouragement, authorization and consent of each
15 Defendant designated herein.

16 143. Plaintiff is unaware at this time as to who hired Williams who gave him his
17 reviews, and who has the authority to terminate him, since he is the CEO and plaintiff is
18 not privy to that information but believes Defendants have the information within their
19 possession, custody and control. Plaintiff therefore reserves the right to amend the
20 complaint to NAME those individuals who are sued as Doe Defendants currently.
21 Defendants Accelerated Schools and Does 1 through 100 hired, supervised and controlled
22 the

23 144. Doe Defendants negligently hired JONATHAN WILLIAMS for a position of
24 power and prestige, the CEO when they knew or should have known he had been the
25 subject of complaints of women Prior to being hired by DOE DEFENDANTS.
26 DOE DEFENDANTS failed to supervise WILLIAMS in his position as a CEO. DOE
27 DEFENDANTS knew and disregarded the history of sexual abuse towards women,
28 failed in their duty to conduct even a minimal background search on WILLIAMS and

1 allowed him unfettered access to female students and faculty. WILLIAMS in his
2 position of power, abused his authority to make repeated unwanted sexual advances
3 towards plaintiff, a faculty member. There may be many students who were subjected
4 to his advances who were afraid to speak up. There may be other faculty who are afraid
5 to speak up, no investigation was done once plaintiff complained of other complaints
6 and WILLIAMS was allowed to continue working , unfettered and unsupervised and
7 given the authority by DOE DEFENDANTS.

8 145. DOE DEFENDANTS negligently retained WILLIAMS in his position as a
9 CEO . DOE DEFENDANTS owed a duty to all students and faculty to protect them from
10 known sexual predators. They have a duty to protect unsuspecting students and faculty
11 from WILLIAMS who was in a position of power, from making unwanted sexual
12 advances. DOE DEFENDANTS knew and disregarded the history of sexual advances,
13 unwatned touching and unwanted advances towards women, failed in their duty to
14 conduct even a minimal background search on WILLIAMS and allowed him unfettered
15 access to female students and faculty. WILLIAMS in his position of power, abused his
16 authority to make repeated unwanted sexual advances towards plaintiff, a teacher. There
17 may be many teachers who were subjected to his advances who were afraid to speak up.
18 There may be other faculty who are afraid to speak up, no investigation was done once
19 plaintiff complained of other complaints and WILLIAMS was allowed to continue
20 working , unfettered and unsupervised and given the authority by DOE DEFENDANTS.
21 have a duty to terminate WILLIAMS when the allegations from plaintiff came forward ,
22 and they knew or should have known of the prior and subsequent complaints by other
23 teachers.

24 146. Plaintiff opposed the sexual harassment by WILLIAMS and complained about the
25 sexual harassment.

26 147. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has been
27 directly and legally caused to suffer actual damages pursuant to California Civil Code
28 §3333 including, but not limited to, loss of earnings and future earning capacity, medical

1 and related expenses for care and procedures both now and in the future, attorney's fees,
2 and other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of
3 court to amend when ascertained.

4 148. As a direct and legal result of the acts and conduct of DOE DEFENDANTS, Plaintiff
5 has been caused, and did suffer, and continues to suffer severe and permanent emotional
6 and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,
7 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown
8 to Plaintiff, who will pray leave of court to assert the same when they are ascertained.

9 149. Further, Defendants, their managing agents, including but not limited to, DOE
10 DEFENDANTS and managing agents, supervisors, ratified and condoned the action
11 against Plaintiff and allowed WILLIAMS to continue working there and work around
12 female students and faculty. The aforementioned acts of EMPLOYER DEFENDANTS
13 and its alter egos, committed by and through their managing agents, supervisors, were
14 done with the knowledge of EMPLOYER DEFENDANTS and its alter egos and or were
15 ratified and condoned by them and their alter egos, and each of them, were willful,
16 wanton, malicious, intentional, oppressive, illegal and despicable and were done in
17 willful and conscious disregard of the rights, welfare and safety of Plaintiff, and were
18 done by managerial agents of Defendants and its alter egos, and Does 1 through 100, and
19 with the express knowledge, consent, and ratification of managerial employees of
20 Defendants and its alter egos, thereby justifying the awarding of punitive and exemplary
21 damages in an amount to be determined at the time of trial.

22 150. The EMPLOYER DEFENDANTS' DOE DEFENDANTS, managing agents, agents and
23 supervisors (whose identity is known to Defendants, and will be the subject of discovery
24 in this case), engaged in a pattern of ignoring complaints of sexual harassment in the
25 workplace and blamed plaintiff. They allowed the harasser to continue working even
26 though he held a position of power CEO which allowed him to have the power over
27 female students and faculty. The EMPLOYER DEFENDANTS and it managing
28 agents (whose identity is known to Defendants, and will be the subject of discovery in

1 this case), knew that their actions were illegal and acted in conscious disregard for the
2 law.. The conduct of EMPLOYER DEFENDANTS, their managing agents and alter
3 egos as set forth herein was reprehensible. EMPLOYER DEFENDANTS knew they
4 were allowing Plaintiff to be harassed, and exposing female students and faculty to
5 WILLIAMS but they failed to take any action to protect the students and faculty. The
6 EMPLOYER DEFENDANTS knew their behavior was illegal, but did it anyway, in
7 blatant disregard of the law.

8 151. Plaintiff has been generally damaged in an amount within the jurisdiction of this Court.
9 152. The harm to Plaintiff was "physical" in the sense that it affected her emotional and
10 mental health, rather than being a purely economic harm. State Farm Mutual.
11 Automobile Ins. Co. v. Campbell (2003) 538 U.S. 408, 419. It was objectively
12 reasonable to assume that EMPLOYER DEFENDANTS' employees' and managing
13 agents' acts of discrimination and harassment toward PLAINTIFF would affect her
14 emotional well-being, and therefore DEFENDANTS employers' "conduct evinced an
15 indifference to or a reckless disregard of the health or safety of others."
16 153. As a result of the discriminatory acts of EMPLOYER DEFENDANTS, their agents
17 and alter egos, and each of them, as alleged herein, Plaintiff is entitled to reasonable
18 attorneys' fees and costs of said suit as specifically provided in CCP 1021.5 et seq for
19 protecting interest as set forth in the public policy set forth above.
20 154. Plaintiff has suffered general damages in an amount within the jurisdiction of this
21 court.

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JURY TRIAL DEMAND

The Plaintiff hereby demands a trial by jury.

PRAYER

WHEREFORE, Plaintiff prays for judgment against the DEFENDANTS, and each of them, and Does 1 through 100 as follows:

1. For general damages in an amount within the jurisdictional limits of this court;
2. For medical expenses and related items of expense, according to proof;
3. For loss of earnings, earning capacity and benefits, according to proof;
4. For attorneys' fees according to proof;
5. For prejudgment interest according to proof;
6. For costs of suit incurred herein;
7. For interest as allowed by law;
8. For all statutory penalties as permitted by law
9. For such other and further relief as the court may deem just and proper; and

AS TO INDIVIDUAL DEFENDANTS WILLIAMS AND DOE DEFENDANTS :

10. For exemplary and punitive damages in an amount according to proof.

Dated: May 30, 2019

THE LAW OFFICES OF MARYANN P. GALLAGHER

By

MARYANN P. GALLAGHER

Exhibit A



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 | TDD (800) 700-2320
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 30, 2018

Maryann Gallagher
205 S Broadway Ste 920
Los Angeles, California 90012

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 201801-00999030
Right to Sue: Fletcher / Accelerated Schools et al.

Dear Maryann Gallagher:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.
DIRECTOR KEVIN KISH

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 | TDD (800) 700-2320
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 30, 2018

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 201801-00999030

Right to Sue: Fletcher / Accelerated Schools et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 | TDD (800) 700-2320
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

January 30, 2018

Kelly Fletcher
205 S Broadway 920
Woodland Hills, California 90012

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201801-00999030
Right to Sue: Fletcher / Accelerated Schools et al.

Dear Kelly Fletcher,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 30, 2018 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Kelly Fletcher

DFEH No. 201801-00999030

Complainant,

vs.

Accelerated Schools
116 East Martin Luther King Jr Blvd
Los Angeles, California 90011

Jonathan Williams
116 East Martin Luther King Jr Blvd
Los Angeles, California 90011

Respondents.

1. Respondent **Accelerated Schools** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Kelly Fletcher**, resides in the City of **Woodland Hills** State of **California**.

3. Complainant alleges that on or about **January 30, 2018**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sexual harassment- hostile environment.

Complainant was discriminated against because of complainant's sex/gender and as a result of the discrimination was denied a work environment free of discrimination and/or retaliation.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment and as a result was denied a work environment free of discrimination and/or retaliation.

1 **Additional Complaint Details:** Complainant was harassed, discriminated against,
2 retaliated against, defendants failed to prevent harassment, discrimination and
3 retaliation. Respondents, their agents, joint employers, principals subsidiaries,
4 principals and alter egos, and Does 1 through 100, whose identity is known to
5 respondents, harassed, discriminated and retaliated against complainant and
6 subjected her to disparate treatment. Complainant was a member of a protected
7 class, was associated with a member of a protected class, was perceived to be a
8 member of a protected class, and respondents' mistreatment of complainant was in
9 violation of FEHA, Government Code , 12926, and 12940 et seq.

10 Respondents failed to investigate, prevent or remedy the harassment,
11 discrimination or retaliation.

12 The harassment, discrimination and or retaliation was a motivating factor in the
13 termination of the complainant. The managing agents, joint employers, joint
14 venturers, subsidiaries, principals, agents, alter egos, supervisors and employees
15 of Respondents and Does1 through 100, conspired in the illegal activity as set forth
herein.

16 Complainant reserves the right to name any later discovered managing agents,
17 supervisors, alter egos, joint employers, principals, agents, subsidiaries or parent
18 corporations upon discovery of their identity as additional Respondents.

19 It is believed that Respondents had a pattern and practice of harassment,
20 discrimination, and retaliation and that information is also within the Respondents
21 control at this time and would not be available to complainant until after a lawsuit is
22 filed.

23 Ms. Fletcher has been a teacher at the Accelerated Schools for five years . She had
24 been warned when she started that Mr. Jonathan Williams CEO, that he had
25 touched other female teachers. On or about August 8,2017, Williams appeared in
the teachers lounge where Ms. Fletcher was. He approached Ms. Fletcher and
grabbed at her breast three times. She was shocked and embarrassed and afraid.
She had heard that Williams punishes people who complain about him. She also
heard Williams become verbally abusive to parents. On another occasion, Mr.
Williams again approached Ms.Fletcher and touched her again, this time on her arm.
Ms. Fletcher became afraid and had spoken to other teachers , who said they too
had been touched by Williams, but they were afraid to give their names for fear of
retaliation from him. MS. Fletcher suffered extreme emotional distress from the
unwanted sexual touching. She was extremely afraid to complain, but finally told her
union representative. She then met with Human Resources on approximately
October 26,2017 . She told them about Williams unwanted touchings. She told
them she was concerned about retaliation and did not want them to use her name
but wanted Williams to stop and wanted to make sure he did not touch any more
females.

26 Her complaints were ignored and no action has been taken, no investigation
27 conducted. She has not been protected from retaliation from Williams or the

1 people on his staff who will protect him. She is still living in fear that once her
2 name is disclosed, Williams or someone on his behalf will retaliate against her.
3 Williams is still approaching her and trying to intimidate her so she will back down
4 and not pursue her complaint. This causes Ms. Fletcher extreme stress.

5 Complainant reserves the right to correct any of these names, to add additional
6 agents, subsidiaries, Alter egos, principals, managing agents, supervisors,
7 employees or later discovered entities who the respondents know about, but who
8 complainant does not have the information available at this time.

9 " Respondents' and each of them, and unknown Does 1 through 100, inclusive ,acts
10 and the acts of its managerial employees as hereinbefore described were illegal, in
11 violation of FEHA, and were committed maliciously, fraudulently or oppressively with
12 the intent of injuring complainant, and/or with a willful and conscious disregard of
13 plaintiff's right to work in an environment free from retaliation, harassment, and
14 discrimination. Complainant reserves the right to amend and or supplement this
complaint upon discovery of additional facts and information.

15 Respondents have the ability to investigate these allegations and Complainant
16 requests that all information (be it text messages, emails, written documents,
17 investigations, reports, interviews, or employee contact information) all be preserved
18 and not destroyed so that Complainant will have access to it in the event a lawsuit
19 needs to be filed. Complainant reserves the right to amend and or supplement this
20 complaint upon discovery of additional facts and information.

21 Complainant has suffered economic and non-economic damages, which will
22 continue to accumulate. Complainant will be entitled to attorney's fees , punitive
23 damages and any other damages the court and or jury deems appropriate.

1 VERIFICATION

2 I, **Maryann Gallagher**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
based on information and belief, which I believe to be true.

4 On January 30, 2018, I declare under penalty of perjury under the laws of the State of
5 California that the foregoing is true and correct.

6 **Los Angeles Ca**

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